

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	05-10925-RGS
1979 ROLLS ROYCE SILVER	)	
WRAITH II, VEHICLE	)	
IDENTIFICATION NUMBER LRK 36784	)	
WASHINGTON REGISTRATION	)	
NUMBER 020PAW,	)	
Defendant.	)	

**UNITED STATES' MOTION FOR ENTRY OF DEFAULT**

The United States of America, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby requests that default be entered pursuant to Rule 55(a) of the Federal Rules of Civil Procedure against Henry L. Smith, Bernard C. Houston, Jr., and all other persons claiming an interest in the defendant vehicle, described as:

a 1979 Rolls Royce Silver Wraith II, Vehicle  
Identification Number LRK 36784, Washington  
Registration Number 020PAW

for failure to file an answer or otherwise to defend, as provided for in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. The failure to submit a verified claim justifies the entry of default. See United States v. One-Sixth Share of James J. Bulger In All Present and Future Proceeds of Mass Millions Lottery Ticket No. M246233, 326 F.3d 36, 40-41 (1<sup>st</sup> Cir. 2003 (failure to file a timely verified claim disqualifies putative claimant from participating in civil forfeiture action)).

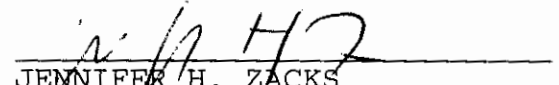
In support of this application, the United States submits the attached Affidavit.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
JENNIFER H. ZACKS  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Date: 7/21/05

SO ORDERED AND ALLOWED

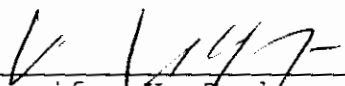
\_\_\_\_\_  
RICHARD G. STEARNS  
United States District Judge

Date: \_\_\_\_\_

CERTIFICATE OF SERVICE

I, Jennifer H. Zacks, Assistant U.S. Attorney, hereby certify that a true copy of the foregoing Motion for Entry of Default, as well as the Affidavit in Support of Motion for Entry of Default, were served upon Harold V. Dutton, Jr., Esquire, counsel for Henry L. Smith, 100 The Houston Building, 2323 Caroline, Houston, TX 77004, Henry L. Smith, TDC # 13091111, Garza West Unit, 4250 Highway 202, Beeville, TX 78102, Bernard C. Houston, Jr., 3801 47<sup>th</sup> Avenue SW, Seattle, WA 98116, and Capitol One Auto Finance, Attn. Legal Resources, c/o Jeff Butler, 3905 Dallas Parkway, Plano, TX 75093 by first class mail, postage prepaid.

Dated: 7/21/05

  
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Jennifer H. Zacks  
Assistant U.S. Attorney